



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 31, 2022

In Reply Refer to:

EPA Complaint No. 01D-22-R2

Doriel Pagán-Crespo
Executive Director
Puerto Rico Aqueducts and Sewer Authority
604 Barbosa Avenue
San Juan, PR 00916
doriel.pagan-cresno@acueductospr.com

Re: Rejection and Referral of Administrative Complaint

Dear Director Pagán-Crespo:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) is rejecting the administrative complaint filed against the Puerto Rico Aqueducts and Sewer Authority (PRASA), which was received by ECRCO as a referral from the Department of Labor (DOL) on November 18, 2021. Based on several conversations with ECRCO staff, the Complainant expressed that he wished to file a complaint alleging that PRASA discriminated against him on the basis of disability, in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) as amended, 29 U.S.C. § 794, and EPA's nondiscrimination regulation at 40 C.F.R. Part 7, when his duty station was relocated and when PRASA issued a COVID-19 policy requiring vaccinations and/or testing.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

After careful consideration ECRCO is not accepting the complaint for investigation. The allegations, as well as information obtained through conversations between the Complainant and

ECRCO staff on December 7, 2021, December 15, 2021, and January 18, 2022, even if true, did not provide sufficient basis for ECRCO to infer that a discriminatory act has occurred. As such, ECRCO has referred the complaint to the U.S. Equal Employment Opportunity Commission (“EEOC”) consistent with 28 CFR 37.6(b) 29 CFR 1640.6(c).

ECRCO is closing this complaint as of the date of this letter. We have notified the Complainant that EPA has referred the complaint to EEOC for appropriate action and provided EEOC with the Complainant’s contact information.

If you have any questions, please contact the ECRCO Case Manager on the matter, Katelyn Liesner, at liesner.katelyn@epa.gov, or Anhthu Hoang, Acting Deputy Director at hoang.anhthu@epa.gov.

Sincerely,



Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Ariadne Goerke
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